

MANDATE
 UNITED STATES COURT OF APPEALS
 FOR THE SECOND CIRCUIT

ROSE AMOGOU NGASSAM
 (A96 261 832),

Plaintiff-Appellant,

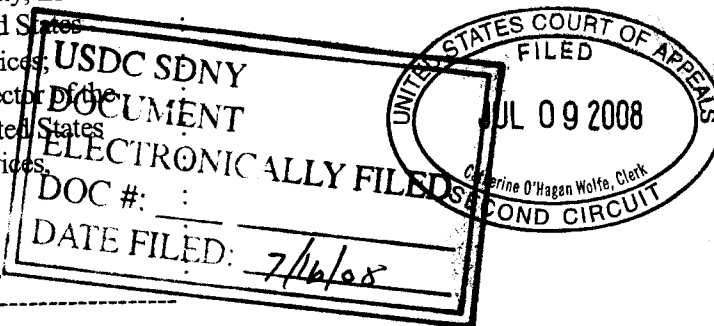
-v.-

MICHAEL CHERTOFF, Secretary of
 Department of Homeland Security; EMILIO
 GONZALEZ, Director of United States
 Citizenship & Immigration Services;
 F. GERARD HEINAUER, Director of the
 Nebraska Service Center of United States
 Citizenship & Immigration Services.

Defendants-Appellees,

SDNY NYC
 07-cv-8172
 Stanton

STIPULATION AND ORDER OF
SETTLEMENT AND DISMISSAL
 Dkt. No. 08-0584-cv



WHEREAS, Plaintiff Rose Amogou Ngassam (A96 261 832) ("Ngassam") is an asylee from Cameroon who has filed Refugee/Asylee Relative Petitions ("petitions" or "Form I-730 petitions"), pursuant to § 208(b)(3)(A) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1158(b)(3)(A), on behalf of seven beneficiaries whom she claims are her minor children: Achille Martial Kamwa (A97 588 411); Duclo Romuald Biakop (A97 588 416), Brice Marius Teumen (A97 588 414), Pegui William Tchaptchep (A97 588 415), Robertine Yannou (A97 588 412), Junior Wimga (A97 588 413), Jackson Miguel Teuman (A97 588 417);

WHEREAS one of Ngassam's children, Achille Martial Kamwa (A97 588 411) has been admitted to the United States as a derivative asylee;

WHEREAS, six of Ngassam's beneficiaries remain in Cameroon: Duclo Romuald Biakop (A97 588 416), Brice Marius Teumen (A97 588 414), Pegui William Tchaptchep (A97 588 415), Robertine Yannou (A97 588 412), Junior Wimga (A97 588 413), Jackson Miguel Teuman (A97 588 417);

Certified: July 9, 2008

WHEREAS on January 25, 2007, defendant United States Citizenship and Immigration Service ("CIS") issued notices that it had revoked its prior approval of the three Form I-730 petitions filed on behalf of Duclo Romuald Biakop (A97 588 416), Brice Marius Teumen (A97 588 414), and Pegui William Tchaptchep (A97 588 415), and that it intended to deny those Form I-730 petitions;

WHEREAS, the CIS on April 30, 2007 issued decisions denying the three Form I-730 petitions filed by Ngassam on behalf of Duclo Romuald Biakop (A97 588 416), Brice Marius Teumen (A97 588 414), and Pegui William Tchaptchep (A97 588 415), having concluded that Ngassam had not established their statutory eligibility for the benefit sought;

WHEREAS the CIS, in reaching that determination, did not address certified duplicates of the children's birth certificates that Ngassam claims establishes that the beneficiaries of the petitions are under twenty-one years of age, and thus eligible for derivative asylum;

WHEREAS Ngassam filed a complaint dated September 18, 2007 in the United States District Court for the Southern District of New York, asserting claims under the Administrative Procedure Act and the mandamus statute, and requesting that the district court hold unlawful, and set aside, the CIS's decisions denying the I-730 petitions that Ngassam filed on behalf of Duclo Romuald Biakop (A97 588 416), Brice Marius Teumen (A97 588 414), and Pegui William Tchaptchep (A97 588 415);

WHEREAS, on September 19, 2007, the district court sua sponte dismissed Ngassam's complaint and denied her application for an order to show cause and for a preliminary, for lack of jurisdiction, and denied Ngassam's motion for reconsideration of that dismissal on January 8, 2008;

WHEREAS Ngassam has appealed from the district court's judgment; and

WHEREAS, the certified duplicates of the children's birth certificates submitted by Ngassam should have been evaluated by the CIS in determining the eligibility for derivative

asylum of Duclo Romuald Biakop (A97 588 416), Brice Marius Teumen (A97 588 414), and Pegui William Tchaptchep (A97 588 415);

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel as follows:


1. The above-captioned action is dismissed and discontinued with prejudice and without costs or fees pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure;
 2. Ngassam's six children will be protected from "aging out" of their eligibility for derivative asylum pursuant to the Child Status Protection Act of 2002 ("CSPA"), Pub. L. No. 107-208, 116 Stat. 927 (Aug. 6, 2002), because Ngassam's petitions on their behalf were pending on or after the CSPA's enactment date;
 3. The April 30, 2007 decisions of the CIS denying the Form I-730 petitions filed on behalf of Duclo Romuald Biakop (A97 588 416), Brice Marius Teumen (A97 588 414), and Pegui William Tchaptchep (A97 588 415), shall be vacated;
 4. The CIS shall, within fourteen (14) days of the date of entry of this Stipulation and Order, approve the Form I-730 petitions filed on behalf of Duclo Romuald Biakop (A97 588 416), Brice Marius Teumen (A97 588 414), and Pegui William Tchaptchep (A97 588 415);
 5. The CIS shall, within fourteen (14) days of the date of entry of this Stipulation and Order, forward the approved petitions to the United States Embassy in Yaounde, Cameroon ("Embassy") to enable the Embassy to promptly begin consular processing;
 6. The CIS shall notify Ngassam's attorney when the approved Form I-730 petitions are forwarded by the CIS to the Embassy;
 7. The CIS shall forward a copy of this Stipulation and Order to the Embassy with the three approved Form I-730 petitions filed on behalf of Duclo Romuald Biakop (A97 588 416), Brice Marius Teumen (A97 588 414), and Pegui William Tchaptchep (A97 588 415), so as to facilitate prompt and efficient consular processing, and shall communicate with the Embassy
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as necessary to ensure prompt and efficient consular processing of all six Form I-730 petitions filed by Ngassam on behalf of Duclou Romuald Biakop (A97 588 416), Brice Marius Teumen (A97 588 414), Pegui William Tchaptchep (A97 588 415), Robertine Yannou (A97 588 412), Junior Wimga (A97 588 413), Jackson Miguel Teuman (A97 588 417).

8. Nothing in this agreement should be construed as a waiver of any rights or privileges to which Ngassam and the beneficiaries of her Form I-730 petitions would be entitled with respect to consular processing, including, but not limited to those relating to the submission of supplemental evidence to establish eligibility for refugee travel documents.

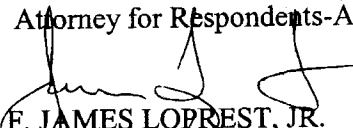
9. This Stipulation and Order embodies the entire agreement of parties in this matter.

Dated: New York, New York
July 8, 2008


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Dated: New York, New York
July 9, 2008

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Respondents-Appellees

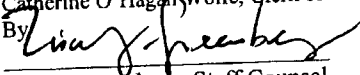

F. JAMES LOPREST, JR.
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SO ORDERED:

FOR THE COURT

Catherine O'Hagan Wolfe, Clerk of Court

By


Lisa J. Greenberg, Staff Counsel

July 9, 2008

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A TRUE COPY
Catherine O'Hagan Wolfe, Clerk

by


DEPUTY CLERK